

AN
APOLOGY
OF
THE TREATISE

De non temerandis Ecclesiis.

AGAINST A TREATISE BY
an unknowne Authour, written
against it in some particulars.

By Sir *Henry Spelman*, Knight.

ALSO HIS EPISTLE TO
Richard Carew Esquire, of
Anthony in Cornwall con-
cerning Tithes.



LONDON,

Printed by *J. L.* for *Philemon Stephens*, and are to be
sold at his shop in *Pauls Church-yard*, at the signe of
the gilded Lion. 1646.

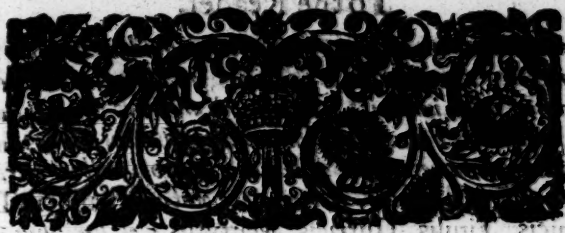
AN
APOLOGY
OF
THE TREATISE

De non necessitate Baptismi.
AGAINST A TREATISE BY
an Author, who is written
against it in some particulars.

By Sir Henry Sturges Knight.

ALSO HIS EPISTLE TO
The Right Honourable
Ambassador in Cornwall con-
cerning Tithe.

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TO THE READER.

THe first Treatise, *de non tenerendis sacrosanctis*, being published above thirty years agoe, there wanted not the approbation of the best and most religious men in behalfe thereof: neither also wanted there one of a contrary humour, to oppose something: which though it be in such weak manner, as deserved not any just answer from so eminent a person, yet it pleased the learned knight, out of his care to instruct him and others, to shew the weaknesse of his reasons: and that not onely in this apology, but also in a more serious worke, his learned Glossary, so much commended, and desired to be finished, by great Princes and chiefe men, both at home and in forraign parts. The passage shall be here inserted for a more full testimony of the Authors judgement, and of the weaknesse of the adversaries reasons.

Excerptum e Glossario Domini Gualteri
manni pag. 238. in voce Ecclesia.

Eccl[esi]a] pro templo, seu domo, qua fideles conveniunt,
ritus divinos celebrant. Lippus & consensibus nationum;
adducor

To the Reader.

adducit tamen ut afferam, quod scilicet quidam libellum nostrum De non temerandis Ecclesijs, pro Marte suo impetens, graviter mihi imponit, ne ecclesijs dixisse hac significatione. nec patitur vir bonus ut easdem, ades appellarem sacras: ludibrio enim habet ejusmodi epitheton, locus vel adibus attributum. Carpsisset aquius, si ignotis ei vocabulis, Basilicis, Dominicis, Titulis, Curiacis, Martyrijs vel similibus usum fuisset. Sed doctrinam hominis & farinam videris.

Occurrit etiam apud Græcos veteres, ut Curia, & Senatus apud Romanos, non solum pro catu & congregatione, sed etiam pro loco in quem convenitur, ut ipsa lexica testantur. Lucianus, καὶ διακρίματα τῶν ἐκκλησιῶν, i.e. ubi ecclesiam (scilicet Curiam in qua consultant) undique stravero, perhibetur & Apostolus secundum plures interpretes, antiquos, medios, & recentiores, hoc sensu dixisse. τὰς ἐκκλησίας τῆς θείας κατὰ πόλιν, ἢ ἐκκλησίαν τοῦ Θεοῦ κατεστημένην. Lique de Synodus Laodicensis, ἡ ἐν τῇ Ἀσσίᾳ, ἡ ἐκκλησία τοῦ Θεοῦ ἐν τῇ πόλει τοῦ Θεοῦ. i.e. in sanctissima ecclesia sanctissima: martyris euphemia, *Terrull. lib. de fuga in persecut. sec. 3.* Conveniunt in ecclesiam: confugiunt in ecclesiam. *Augustin. epist. 109.* Quando ergo simul estis in ecclesia, & ubicunque viri sunt, invicem & pudicitiam custodite. *Hieronymus in Esaiam cap. 60.* Videmus Cæsares, & edificare ecclesias expensis publicis. & *epist. 8.* Alij ædificant ecclesias, vestient parietes marmorum crustis, columnarum moles advehant, earumque dearent capita, &c. fastidit in re tam notabiles tantum perdere; clarum est Ecclesiam idem esse christianis, quod Synagogam Judeis; & *Augustinum* habes in eadem sententiam in *Psalm. 82.* unde & *priscus quidam.*

Nobis ecclesia datur, Hebræis Synagoga.

Plura si cupias, numerosa habeas exempla in *Burchardi Decretorum. lib. 3. qui de ecclesijs, inscribitur.*

Besides also not to conceal the doubts and apprehensions

To the Reader.

fions of wiser and more learned men upon the argument, there was also a gentleman of eminent quality and learning, Mr. *Richard Carew* of Anthony in Cornwall who was not satisfied in all points, with this treatise of Sir *Henry*, whereupon he wrote his doubts in some particulars unto him; submitting much to his judgement. Vnto whom for satisfaction, Sir *Henry* wrote a very pious epistle which shall here follow after the apology for satisfaction to the better sort, who sometime stumble out of private interest, or passion, as well as inferiour men. Hoping that such will be easily corrected in their opinion as Mr. *Carew* was, being a Gentleman ennobled no lesse in regard of his parentage and descent, then for his vertue and learning, as *Cambden* testifieth of him in his *Britannia*.*

* In *Cornwall*.

THE APOLOGY.

This Apology cleareth some passages, as,

1. Touching the word Ecclesia, which signifies either a materiall Church, or the Congregation of the people assembled.
2. An explication of the text of Esa. 56. 7. My house shall be called the house of prayer.
3. The place of the Apostle, 1 Cor. 11. 22. Despise ye the Church of God?
4. The exposition of the 83. Psalm. against such as destroy Churches, and the maintenance of them, and the Ministers.
5. The number of Churches spoild among us.

Coming to my worthy friend Sir *Ralph Hare*, and lying a while idle there, I thought that idle time fittest for some idle worke, and disposed my selfe therefore to give some answer to such passages of this Treatise, as the Author at his pleasure hath very idly if not maliciously taxed me in. But being far from my books, and having not so much as that Treatise of his by me, or any note out of it, I shall no doubt forget, mistake, omit, and misplace many things. Wherein (good Reader) I must entreat thy patience and favour.

It being brought unto me, I ranne over divers leaves thereof, wherein I met *multa verba, nulla verbera*; but judging therefore the Author by his worke, I thought neither of them worth the answering: himselfe, as it seemeth, some rude Naball delighting in contentions and uncivill speech: wherein I will not contend with him, onely I will consider of his reasons, though indeed they are such as will shew him to be a weak adversary. *Qui strepit magis quàm saucias.* And therefore though I sit safe out of his dint, yet will I let the reader see, how vainely he bestoweth his shot, and how farre from the marke.

The Apology.

As for the parts of my booke wherein I labour as he saith, to prove tithes to be due *jure divino*, and his answers thereto, my purpose is not here to medle with them, for that they require a more spacious discourse then either that volume admitted, or I now meane to enter into, it being not a private question, betweene him and me, but long controverted by greater clerks) and left to this day as *questionem vexatam non judicaram*. The truth is, the course of my argument lead me upon it, and I therefore produced some arguments tending to the maintenance thereof, but referring the point unto a greater work, and forbearing to declare my selfe therein, without ample and more laborious examination of so great a controversie: leaving therefore that as a generall cause, whereof he may perhaps have more another time, I will here wage my selfe against him onely in those things, wherein he chargeth me particularly in my owne person; and passing over amongst them such snatches of his, as scarcely ruffle the haire, I will onely meddle with those parts, where he thinketh he biteth deepest.

First, he quarrelleth with me about the title of my booke, in that I use the word *Ecclesia* for a materiall Church, or (as in contempt he termeth it) a * *stone-house*: affirming in his learning, that it signifieth onely the congregation: which assertion if he could make good, would give him a great hand in the cause, for that much of his argument following lieth very heavily upon this pin. Surely if I guesse right some Dictionary hath deceived him, for perhaps his reading reacheth not so far, as to resolve him herein: but if two thousand authorities be sufficient to defend me withall, I speak it without *hyperbole*, I assure my selfe I could produce them. Who knoweth

* Steeple-house.

The Apology.

knoweth not how ordinary a thing it is, to have one word signifie both the persons, and the place: as *Civitas*, the citizens, or towne; *Collegium*, the society or house; *Senatus*, the Senators, or Senate house; *Synagoga*, the assembly, or place of assembly. I am sure he will confesse, that where it is said, *He loveth our nation and hath built us a synagogue*: It is not there meant of the persons, he built them a congregation, but of the place. A *Synagogue*, and *Ecclesia*, signifie both one and the same thing, the congregation, or place of congregation; in which sense we Christians notwithstanding use onely the word *Ecclesia*, for our congregations, and houses of prayer, for that the Jews had taken up the other word, for their Oratories, according to an old verse:

Nobis Ecclesia datur, Hebrais Synagoga.

And in this manner was the word *ἐκκλησία* used amongst the Greeks before the Christians borrowed it from them, as it appeareth by some of your Lexicons, where it is said, *ἐκκλησία, Catus, concilium, congregatio, &c. ponitur etiam pro loco ipso in quem convenitur*. Lucianus, καὶ διασπασίᾳ τῇ ἐκκλησίᾳ. i.e. *Ubi curiam (in qua consultant) undique straverō*. And that the Church hath ever since used it in the same sort shall by and by appeare, when we come to insist more particularly upon this point. Faine would I know what himselfe would call one of our *stone-Churches*, in Latine. *Templum*, favours of *Judaisme*, and if I should have used a word of the ancient Fathers, and said, *De non temerandis Basilicis, Curiacis, or Dominicis*, it may be I should have driven him to his Dictionary, and yet left him puzzled. I thought *sanum* too prophane a word, but he perhaps would think it so much the fitter; for a Church, and a play-house seem a like to him.

The Apology.

Another of his quarrels is that I apply the place of *Isaiah* the Prophet, *cap. 56. 7.* *My house shall be called an house of prayer*, locally to places of prayer, whereas he saith, it was spoken figuratively of the congregation of the faithfull. I exclude not that sense, but I assure my selfe our Saviour Christ, when he whipt the sellers out of the Temple, not out of the congregation, applied this Scripture to the very place of prayer : and it is questionlesse that the old and late classicke writers so expound it.

Some quotations here were intended out of ancient and moderne Authors, which though I could easily supply, yet being loth to adde any thing to the originall copie, I leave it to the learned reader to consult the Commentators, which is safely done.

Againe it much offends him, that I interpret the words of *Saint Paul* *1 Cor. 11. 12.* *Despise ye the Church of God?* as spoken of the materiall place, which after his manner he will also have to be onely understood of the Congregation ; and had the word *ecclesia* no other signification, then doubtlesse he had obtained the cause. But obserue I pray, what I have formerly said touching that point, and then take into your consideration, the words of the Apostle as they lye in that chapter. First in the 18. verse he saith, *συνηχθησαν ομοθυμαδον εν εκκλησια.* *Quando conuenisti in ecclesia.* For these be the very words, and how we shall English them is the question. Whether when ye come together in the Congregation, that is, in the assembly ; or when ye come together in the Church, that is, in the place of the assembly. I confesse the words indefinitely spoken may beare either interpretation, and I condemne neither of them in this place. Yet let us see which is more probable, or at least whether my trespassse deserves his

The Apology.

his reprehension. The Apostle continuing his speech upon the same subject, in the 20. *vers.* goeth on thus: *convenientibus igitur vobis in eodem*; as if he should say, *convenientibus igitur vobis in eodem*; leaving *in eodem*, in *eodem*, spoken neutrally, and as it were, to be applied either to the assembly, or the place; which to put it out of doubt, Beza, and our English Geneva translation doe adde the word, *locus*, a place, in a different letter, to declare the meaning of the Apostle and read it accordingly: *When you come together therefore into one place.* So that now it is determined how the word *Ecclesia*, or Church, in the 18. *vers.* before going is to be expounded: and then joyned the words subsequent unto it, wherein the Apostle complaineth of the abusing that thing, which before he spake of, and in reprehension of the abuse committed therein by eating and drinking; he saith *vers.* 22. *Have ye not houses to eat, and to drink in? or, despise ye the Church of God?* Where the very *antithesis* of houses, to eat and drink in, with the Church of God doe still pursue the precedent interpretation of *Ecclesia* for the place of assembly: as if distinguishing betweene places and not persons, he should have said, Your houses are the places to eat and drink in, but the Church is the place of prayer: otherwise he might perhaps have said, Have ye not other meetings to eat and drink at, but despise ye this holy meeting? And I think it not without speciall providence, that the Translators therefore did translate here, *in domibus vestris non bibitis et non comeditis? an ecclesiam Dei contemnitis?* Despise ye the Church of God? not despise ye the Congregation of God: for the word *Chyrche*, coming of the German word *Kirchen*; and that of the Greek word *ekklesia*, which signifieth *Domus*, or the Lords House, &c. was in ancient times, as *Baselina* and

The Apology.

Nicephorus witnesse, the common name of materiall Churches, doth to this day properly signifie the same: and we doe never use it for a particular congregation, but either generally for the body or society of the faithfull through a whole kingdome, or common wealth; or particularly for the very place of prayer onely.

This foundation being now laid upon the words of the Apostle himselfe, let us see how it hath been since understood by the Fathers, and Doctors of the Church, as well ancient as moderne. *Hieroms* opinion appeareth already in my booke, and *Chrysostomes* you shall heare anon. But this man despiseth the first, and therefore I am sure he will account as lightly of the second. A Senate of Fathers moves him not an haire: a right monothelite, he opposeth his owne onely will against them all. Yet to satisfie some others, whose eares perhaps may be better in tune, I will cite one who for humbleness of spirit, integrity of life, and admirable learning for the time he lived in, hath ever since been venerable throughout the world; and no forreigner but our Countreyman *Bede*, who upon these words *Numquid domos non habetis? ---- an Ecclesiam Dei contemnitis?*

Ecclesia (saith he) *homines sunt de quibus dicitur ut exhiberet sibi gloriosam ecclesiam, hoc tamen vocari etiam ipsam domum orationum, idem Apostolus testis est, ubi ait, numquid domos non habetis ad manducandum & bibendum? an ecclesiam Dei contemnitis? & hoc quotidianus usus loquendi obtinuit, ut in ecclesiam prodire, ad ecclesiam confugere, non dicatur nisi qui ad locum ipsum, parietesque prodierit, vel confugerit, quibus ecclesia congregatio continetur.* But he will say that all this old wine favours of the caske, therefore we will spend no more time in broaching of it. Taste of the new. *Peter Martyr* upon the place. *Quando conve-*
nitis?]

The Apology.

nitio] potest (saith he) hoc referri ad locum qui antea omnes continebat, ita ut notetur corporalis conjunctio, &c. and then; An ecclesiam Dei contemnitis? potest accipi Ecclesia (saith he) pro catu sacro, vel pro loco quo fideles conveniunt, &c. Si vero de loco intellexeris (ut Chrysostomus videtur sentire) docemur contaminari locum ex abusu. Vnde Augustinus dicebat, In Oratorio nemo aliquid agat nisi ad quod factum est, unde & nomen recepit; ad alia munera obeunda plateas & domus habemus. And complaining of abusing of Churches he goeth on: At nunc templa deambulationibus, fabulis & omnibus negatiis prophanis toto die patem. Christus flagello parato ex funiculis, ejectionibus, & vendentibus, templum Dei repurgavit: and goeth still on in this manner much further. Marlorat. also a common and good friend to our Preachers being well pleased with this exposition and invective of Peter Martyr, translateth it verbatim into his owne Commentary upon this place; and thereby delivereth it also to the world as his owne opinion.

But come we now to that part of my booke which puts him most out of patience above all the rest, my application of the 83. Psalm to such as destroy Churches, and bereave them of their maintenance. This he saith; fitteth my matter as an Elephants skin doth a gnat, yea it hath no coherency therewith either figuratively, allegoricall, or anagogicall. To retort his scoffe I might say; it seemeth, an Elephant of absurdity to the Gnat of his learning: but I desire rather to satisfie him (*Sic hominis non mutaverit intellectum*) then to disgrace him.

It cannot be denied if there be a correspondency betwene the body of our Church and Common wealth, with the body of the Church and Common wealth of the Jewes, the same must also hold proportionably amongst

The Apology.

mongst the members thereof, and in consequence that the passages of state, of government, of peace, warre, liberty, oppression, prosperity, adversity, and other occurrences either active or passive, must hold some aspect and analogy, one unto the other. And then also that whatsoever is denounced against the enemies of the one, trencheth comparatively against the enemies of the other. Come then unto the matter. The prophet inveigheth against them that seeke to spoile, oppresse, or disturbe the Church of God seated in India; be it openly by war, or secretly by some stratagem of wit: Doth not this challenge them also that attempt the like in our Church? Yes, saith he, against them of the King of Spaines Armado in 88. and those of the Powder Treason, wherein the universall desolation both of the King and Kingdom, Church and Common-wealth were not onely projected, but attempted by our enemies.

But shew me, will he say, what hath the appropriating of a pelting Parsonage, or the pulling downe of a *stone-house*, which you call a Church, is unto this? for the one is an Elephant, the other but a Gnat.

I answer. *Eadem est ratio partium quæ est totius.* And out of this reason and analogy our Saviour Christ argueth him that casteth but a lascivious looke to be guilty of the great Commandement, *non mechaaberis*, as well as him that committed the very heinous act it selfe: and then also that whatsoever the Prophet denounceth against them that spoile the Church in generall, the same descends upon every particular man, that spoileth the same in any particular part: as, *Omne genus prædicanti de omnibus & singulis suis speciebus etiam infimis & individuis* Now the taking up of these parsonages and despoiling

The Apology.

cing of places of publike prayer is a spoile of the Church of God, appeareth in this, that the meanes and maintenance of the seruice of God, and of his ministers is thereby diminished, and destroyed, which subtraction of maintenance from the minister, God in *Malachi* 3. 8. declareth to be a spoyling of himselfe, for that his seruice is thereby hindred, and his Church impaired. And although this man affirmeth, that although there were never a *stone-Church* or minister in the kingdome, yet the Church, and seruice of God might stand well enough, for that every mans family is a Church, and every master thereof tyed to instruct his servants, every father his children : yet by example of the Church in the time of the Apostles, we ought to have places of publicke prayer, and some to instruct these masters and fathers, for the husbandman, the artisan, the day-labourer, are not commanded to neglect their vocation and turne preachers, as too many now adayes do. And though perhaps some such good men out of their devotion would preach now and then to instruct their brethren, yet who shall do it ordinarily, and where shall the Assembly be entertained ; for every town hath not a Guild-hall, a Sessions-house, a Cock-pit, or a Play-house fit for such a multitude. And though they may, as he saith, serve God abroad with *Paul*, in a dungeon with *Jeremy*, or on a muck-hill with *Iob*, yet heat or cold, wet or wind will hinder them at one time or other : so that doubtlesse it were very necessary to have a man, and a place publicly appointed for the seruice of God in every Congregation. And then since this man cannot perform his office without maintenance, and such a place as we speake of, the taking of them away puts him from doing his duty, deprives his parishioners of their instruction, and then by conse-

The Apology.

consequēce spoyle the Church of God ; and so the curse of the Psalme lyeth justly against them.

But let us now take a view of the gnat he speaketh of, and which he contemneth so much in respect of the smalnesse thereof. Had there been but three or foure of these livings taken from the Church, his fancy might have had the more colour, to use such fond applications : but if it cometh to three or foure hundred, it groweth now beyond the size of a Gnat, what shall we then say of 3845. livings, or appropriate Parsonages, thus taken from the Church, which is more by 1126. then the halfe of all those that remaine, and within 897. as many as them all : for the Churches not appropriate are but 5439. through all England and Wales. So that the parishes of the Churches appropriate containe neare about the one halfe of the kingdome, which is more, if Hierome in his Epistle to *Dardanius* (as I take it) deceive me not, then twice so much as all the land of Iudea, though we reckon the kingdome of Israel into it, but many times more then the kingdome of Iudea, which contained but the two tribes onely that stucke to God ; and of whose times this Psalme seemeth to be a prophecie. And thus ye see both the gnat and the Elephant that he speaketh of, though I mean not to propose them to you by way of comparison, but discover his intemperance or want of judgement.

But to support his credit with a broken prop, it may be he will say, that upon the appropriating these Churches and transferring of them to the King, there was a provision left in most of the parishes for a Vicar, or Curate to do divine service there, and that nothing was taken from them but superfluity : so to keepe them in diet, and bridle their immoderate luxurie, which he proclaimeth

The Apology.

meth to be so exorbitant as scarcely all England, and Virginia to boot, can satisfie. Lord blesse us ! is it possible that our Church-men should become so monstrous ? or hath *Shimei* thus railed against the body of them without his perill ? I hope much better of their temperance, then of his tongue : But I leave them to make their own Apology, for I have digressed beyond my purpose, and therefore will spend no time in discouraging upon the provision made for Vicars and Curates in these Churches appropriate. He seemeth to be of *Micahs* mind, that ten shekels, or a matter of foure nobles a year, besides diet and a suite of apparell is a faire maintenance for one of our Ministers. In which point I have else-where declared my selfe at large, and will not therefore here insist upon it ; onely this I would know of him, what surpluse, or superfluity there could be to give unto the King, or take from the Church, when besides the maintenance of the Ministers, much was to be disposed by them in relieving the poore, and other pious uses.

[illegible]

Henricus Spelmannus Richardo suo

Careo viro præstanti Sat. P. D.



Ansuetudinis tuæ prorsus est (vis Eximie) ut hominem me parui, & ignotum, tantâ benevolentia amplecterere. Quanquam enim secundum honorum vocabula quæ factus mundanus jam obtinuit, Equestris dignitas maior sit Armigera; in multis tamē *Spelmannus* minor est Careo. Nec me certe pudet hoc libentius profiteri, Cum magnus ipse sic edocuit *Augustinus*; & Episcopus licet, presbytero cessit *Hieronymo*. Placent equidem & literæ tuæ, & tua omnia; placent seria, placent joci, in nomine verò meo quæ egregia benignitate lufisti non possum in tuo (multò illustriori) retribuere. Palmam igitur cedo, & quod Græcis olim, in Caria sua gente admirati sunt, nos in Carea nostra gente agnoscimus: ingenium splendidum, bellarumque intentionum sæcundissimum. Deus bone! quantum in nomine, & omnis & numinis? Cariæ gentes (inquit *Herodotus* in clione) omnium quæ illis temporibus clauerunt ingeniosissimæ erant. An faciale hoc Careo homini? etiam in alio orbe, & post tot sæcula? quin & sen? non equidem, invideo, miror magis: sed quem laudas authorem? an non Deus hanc tibi præ cæteris copiam fecit? nec sola hæc sed concomitantia multa clarior est. Quid ergo respondit Simon, (Luc. 7. 43.) interroganti domino, Quis plus diligit, nomen is, inquit, cui plus donavit recte. Nonne quis volo. Si divini clementia tuncis tibi indulserit benignitates, perpende scilicet, quid tibi tu amoris, muneris

neris & obsequii vinculis tenearis. Bona hæc omnia in te
concessit bonus hic dominus, animi, corporis, fortunæ :
tunc in ipsius familiam hostis accingeris ? quin & ab ec-
clesia sua prædam referes ?

Otinam fortis in re meliore fuisses.

Sed in hoste probitatem agnosco ; video enim vacil-
lantem te quasi, & de militia ista dubie cogitantem
laudo. At sanum illud consilium amplectere, quod om-
nium judicio probatissimum habetur, è dubiis certius
tene, nec periculis caput objicias : hoc est, ~~quædam~~ te
non immisceas rebus sacris & deo dicatis, hoc porro tu-
tissimum. Vides rem non leviter litigatam à doctissimis :
Vides patres, Concilia, omnemque Theologorum scho-
lam, graviter hos infectari, qui in res ecclesiæ utcunque
involaverunt. Esto quod de decimis dissentiant, an sint
de jure divino : in isto tamen non consentire solum, sed
& conjurasse plane omnes videatur, Deo dicata surripi
non posse in exitium ecclesiæ. Quid autem est ecclesiam
excindere si hoc non sit : panem tollere ministrorum,
quin & sine noxa. At Ecclesiam (aies) in hoc connivisse ;
Episcopos conspirasse ; parlamentaria ipsa comitia
Herculano nodo rem conclusisse, & sanxisse : Sanxisse
dicam : imo Deum testor quænam sit sanctitas in ista
sanctione. Sed de re summa ; summa cum humilitate.
Nosti quàm lenis sit ecclesia, tunicam subtracturo, pal-
lium etiam dimisit. *Mat. 5.* Num auferre igitur hæc li-
ceat innocenti : dicant Corvi.

In eo autem cum salutis spem omnem sacramque ip-
sam posuisti anchoram ; id tandem revolvās animo, qui-
nam hi essent Episcopi, & quoti : Valerentne suis suf-
fragiis procerum laicorum multitudini (qui spe hæc om-
nia devoraverant) repugnasse : Taceo technas, dolum,
insidias, quæ in transigendo negotio forte non defuerant.

Sed

Sed esto ecclesiam lata fronte hæc omnia concessisse ;
Certe eatenus cum Baronio (Africanio Cardinali respon-
dente) in sententiam ivero, Ecclesiam nihil posse in se
statuere, hoc est, in suam perniciem. Idem enim est &
se abnuere, & ministros suos non alere. Nam in primis
catalysis illius legibus, nihil statutum est de ministrorum
alimonia: mel abripitur, sed nec loculi relinquuntur, nec
alveus. Etiam ejiciuntur tam apes, quam faci, nulla
omnino habita examinis ratione. Hoc justum dixe-
ris? Concilio certe tum lapsus est, quod in cæteras
itemque regni ecclesias non grassatum sit. Quid enim
emeruit ecclesia Petri, ut suis juribus potius privaretur
quàm Pauli? Quid ecclesia unius populi magis quam
alietius? à neutris enim peccatum est. Ecce ænigmatis
solutionem. Viatorem duplicem furibus eripuimus, li-
berum hunc adhuc, sed illum vinctum: de utroque sta-
tuimus (miseriordes) ut invenimus. Emancipatur li-
ber, perpetuo carceri addictus est vinctus. Siccine nos
edocuit (Luc. 10.) Samaritanus? Sic fidem nostram apud
Deum tuemur?

Jurarunt sane hi omnes, jurarunt, inquam, nostri mi-
jores, Reges, procures, parliamentariæ ipsæ celebritates,
hoc est, Regnum integrum, omnisque populus, non suo
solum sed & nostro, & nepotum nostrorum nomine, in-
terpositis etiam horrendis execrationibus nulla se un-
quam temporum æternitate, hæc ecclesiæ surreptuos.
Quis obsecro nos liberos faciet ab his vinculis? Quis
audax orator causam hanc apud Deum ager? An acci-
pendeas? Cave ne fidem, quam apud me splendidi-
am habes illico labefactes. Si beati Rechabites qui iuda ip-
sa patris sui mandata observaverunt, An non maledicti
nos, qui non singularis unius, non privati cuiusdam pa-
rentis mandata contemnimus? Sed quos dixi, totum

omnium fides, sanctiones, vota, iuramenta, periculi quæ
si improbitate perfringimus, violamus, mandataque ne-
cessariis anathemata, in singulorum capita tanquam ex
desiderio pertrahimus, cum refractariis Judæis dicentes,
Super nos sint, & natos nostras. *Qui tollit unum de
minis Verborum infans nos (uti Judæos) non discernere quæ
ex his nobis proveniunt calamitates. Deum enim pte-
mus nec mortalium curare vota, sed nec perfidiam. Quid
si lex una repentina, ter dena concilia, Senatus-consulta
toridem, omnium patrum decreta, una explosione disru-
perit. Ad eam in ea sit inhaerendum est ut ne in judici-
um, ne in examen vocetur? non cogitabo equidem quod
in Tridentinum Concilium solus ausus est & satis felici-
ter Chimmisius. Sed iniquas leges peccanti sæpe populo
irrepere novum non est; etiam in poenam alias à Domino
immissas esse, ut scriptum est, *Dabo ijs leges quæ non sunt
bonæ.* Mihi autem videtur, cum de abolendis monasteri-
is cogitaret Senatus ille consultus (*Anno 27. Henrici octa-
vi*) nihil etiam tunc in animo habuisse de tollendis paro-
chialium decimis prædijve, sed de his tantum egisse quæ
ipsis cænobiis inherebant: vel si quis id in cornu haberet
fæni, latuisse hoc opinor sanctos patres qui concilio ad-
erant: in illo enim Actu ne verbum quidem de parochi-
anis decimis nec de ecclesiis, prædijve parochialibus.
Sed nec de ipsis (quas vocant) appropriatis. Cum verò in
vulgus jam exiisset Actus ille parliamentarius, caperint-
que omnia demoliri, & vi eripi, è jurisconsultorum pro-
diit interpretatione, ut præda hæc etiam in casses regios
redigeretur: Partita ergo ea demum inter regni nobiles
necessario tandem habitum est, ut subalternis legibus
corroboraretur.*

Sed quò me rapierit hujus deductio, dissumpendam
orte est, ne ulterius trahar in labyrinthum. Putarem in-

capturus

capturus silentii veniam (verbo uno aut altero) à te exorasse; quod in rus vocatum, itineris me cura jam sollicitat; Quandoquidem vero neque brevis est (dum redam) via, sed nec tempus, hæc interea nobis excussit amor erga te noster fusiùs multo quàm cogitarem. Academici autem nitoris nihil in nostris paginis disquiras, oportet. Commune enim illud (quod scribis) mihi tecum est, Cantabrigia (miserum me) mater exuit cum 17. ætates non salutaveram, trajectoque celerrime Lincolnienſi hospirio, in patrium solum adolescens revocor. Gravibus hinc inde implicitus negotiis privatis, (nec à publicis liber) ter rapior in Hiberniam. Quod reliquum fuit vitæ spatium, domi satis ærumnose exegi, denuò otii desiderio captus Londinum tertio hinc anno veni: pace vero mihi videbar exoptatissimâ fruiturus, qua Musarum limina ex voto delibarem. Sed En! nova in me rerum tempestas, nova litium moles, inopinatè proruit; qua luctantem adhuc varieque agitatum, nescio quousque detinuerit. Poetæ autem illud teneo, --- *dabis Deus his quoque finem*. Habes vitæ nostræ compendium; & (quam vides) magnam amoris effusionem donec aliis tuis (per literas) quæſitis respondero. Sancte & feliciter vale.

Londini, 18. Septemb. 1615.

quartus respondens Sancti Basilii ait.

THE PREFACE.

*To the King our most gracious Sovereigne Lord,
Francis Bigod Knight, his humble and true faithfull
subiect, and daily Orator, wisheth daily augmen-
tation and increase of grace and honour.*

Did not perfectly know (most gracious, most christen, and most victorious Prince) how that amonge all other vertues, that the vertuous gyftes given by grace only, throughe the goodnes of Almighty God, of the incomparable gyfte of gentlenes and humanite, did so habundantly, accumulately, and so manifestly possesse and reigne in your noble and princely hart, till that now it appeareth manifestly by your exterior noble acts and deedes; for els undoubtedly I would not only have bin ashamed so to attempt rudely, foolishly, and rather presumptuously to trouble and disquiet such an imperyall majesty, with this my rude and barbarous writing, in the hinderance of your godly and spirituall studies, with which your highnes taketh such intollerable paine: as well to set forth the mere sincere and new glory of God, as also the establishment, quietnes, and unitie of this your christen Comen welthe. But also in my owne conceit and opinion calling to remembrance my great and manifold insufficiency in learning, to write unto so mighty and famous a Prince I should even by and by have disallowed mine owne behaviour in that behelpe, and judged my selfe worthy of blame, but now considering

The Preface.

dering most benigne Sovereigne Lord, how much all your subjects be imperpetually bound to laud, praise, and glorifie almighty god, to send unto us so Christen a kinge to have rule and governance over us your subjects, by whose great and inestimable diligent labour, charge, study and paine, we be delivered from the hard, sharpe, and X.M: times more than judicyall captivity of that Babylonicall man of Rome to the sweet and soft service, yea rather liberty of the gospell. I can for my part no lesse do, then to present to your grace somthing thereby to declare how gladly I would give thanks to your highnes, for such proofs, as I among others have received by this said benefit in our deliverance which act is of it selfe so highly to the great peace, unite and welth of this most noble Empyre of England, that if there were non other cause but that only we were bound to and with all our diligence and industry to study, labour and devise how this benefit exceeding all other, might world without end be extolled, praised, and made immortall, and to receyte how much the furtherance of gods glory is by the same act set forth and advanced, my learning ne yet wytte will not serve me. Yet I dare boldly asserme, pondering and considering depely the effect and circumstance of this matter, This act is no lesse worthe then well worthy to be set in the booke of Kings of the old testament, as a thing founding to gods honour, as much as any other history therein conteyned. but what should I attempt or goe about to expresse the condigne and everlasting praises and thanks, which your majesty hath deserved of all your hole Comynalt for the benefites before named, unlesse I would take in hand like an evill workeman which by reason of his unperfecnes in his science should utterly staine and deface the thing he
would

The Preface.

would most earnestly and diligently shew and set forth. I will therefore most excellent Emperor of this realme, set all this aside, and shew to your grace the cause of my enterprise, for so much as I perceave that all your gracious proceedings are onely driven and conveyed to the most highe, just, and sincere honour of Almighty God, the publique welth, and unity of all Christendome, most especially of this your most noble Realme of England, it hath animated and encouraged me according to the small talent of learning that the Lord hath lent to me to put your grace in remembrance of the intollerable pestilence of Impropriations of benefices to religious persons, (as they will be called) some to men, and some to women, which in mine opinion is a thing plainly repugnant to the most holy and blessed decrees and ordinances of Almighty God, and highly to the extolling, supporting, and maintenance of the usurped power of the Bishop of Rome, as your Majesty shall perceave in reading of this little treatise, which your grace not being offended, I shall ever, God willing, be able justly to defend, and also stop the mouthes of them, that shall say and abide by the contrary, and that not with mine owne words, but with authorities of holy Scripture. And further I doe most humbly upon both my knees beseech your Imperiall Majesty, that unto such time, as this my little book be cleerly confuted by like holy Scripture and authorities, as I have approved thesame, that it may safely goe abroad under protection of your gracious and redoubted name.

And for the prosperous preservation of your most royall estate, of your most noble and vertuous Queene, of your deere daughter Lady Princess, daughter and

The Preface.

heire to you both, (according to my most bound duty) I shall daily pray, my life enduring.

Note.

Sir *Francis Bigott* Knight of *Yorkshire* wrote this Treatise: whereof this Preface I received from Sir *Henry Spelman*, but the rest of the book, I could never yet finde, though it be mentioned by severall Authors, *Bale*, *Hollinshed*, and lately by Sir *Richard Baker* in his history. It seemes to have bin written after the Kings breach with the Pope, his marriage with *Anne Bolen*, and the birth of Queen *Elizabeth*: as I conjecture by circumstances. His purpose was chiefly bent against the Monasteries who had unjustly gotten so many Parsonages into their possessions. It is much desired that if any man have the rest of the book, that he would please to communicate the copy, that hereafter, as occasion serves, it may be published compleatly, together with some other things of this argument, that the learned Knight hath committed to my charge: but by reason of the present troubles I cannot now attend to prepare them for the Presse. As for Sir *Francis Bigott* himselfe, he was found afterwards active in the troubles of *Yorkshire*, that happened in 28. H. 8. and being apprehended among others, was put to death, 29. H. 8. as our common Chronicles doe report.

Baleus saith of him:

Franciscus Bigott ex Eboracensi patria auratus eques, homo natalium splendore nobilis, ac doctus, & evangelica veritatis amator, Scripsit contra clerum. ---- De Impropiaribus. lib. 1. Quosdam item Latinos libros Anglicanos reddidit, inter seditiones tandem, anno Domini 1537, invito nemineo, repositus, eadem cum illis indigna morte periit.

To



To the right Reverend Fathers and
Brethren, the Bishops and Mini-
sters of *Scotland*.



Have caused this little Treatise (right reverend and beloved in the Lord Jesus) to be printed againe in North-Britaine, for many causes: first, because I was informed, that there came forth, but a few copies at the first printing thereof in South-Britaine: Again, I hope this doing will incite that worthy Knight, the Author thereof, quicklier to send out the greater worke, which he promiseth of that same argument; but principally to incite you, whom these matters most nearly doe concerne, to look into them more advisedly, then as yet ye have done: it was a private occasion, as that worshipfull Gentleman sheweth, that led him to this writing: You have a publike, whereof it is pittie you are so little moved: who seeth not the state of the Church of *Scotland* as concerning the patrimony to go daily from worse to worse? *Sacrilege* and *Simony* have so prevailed that it beginneth to be doubted of many, whether there be any such sinnes, forbidden by God, and condemned in his Word? Neither can you deny the cause of this evill, for the most part to have flowed from your selves: your selling and making away of the Church rights without any conscience, the buying and bartering of benefices, with your shamelesse and slavish courting of corrupt patrones, hath made the world thinke,

thinke, that things Ecclesiasticall are of the nature of Temporall things, which may be done away at your pleasures: and where at the first it was meere worldlinesse that led men on those courses, now a great many to outface conscience, and delude all reproofes, they stand not to defend that Lands, Tithes, yea whatsoever belonged to the Church in former ages, may lawfully be alienated by you, and possessed by seculars: which opinion must either be taken out of the mindes of men, or need you not looke to have these wicked facts in this kinde unreformed: to this end should all Ecclesiasticall men labour to informe themselves, as well by the Word as by the writings of Ancients, and Constitutions of Councils, touching the right and lawfulnessse of ecclesiasticall things, that when they are perswaded themselves of the truth, they may the more effectually teach others. There is no impiety against which it is more requisite you set your selves in this time: for besides the abounding of this sinne and the judgement of God upon the land for the same, who doth not foresee, in the continuance of this course the assured ruine and decay of true Religion?

Of all persecutions intended against the Church the *Julian* was ever held to be the most dangerous: for *occidere presbyteros*, is nothing so hurtfull, as *occidere presbyterium*. When men are taken away, there is yet hope, that others will be raised up in their places: but if the meanes of maintenance be taken away, there followeth the decay of the profession it selfe: Men doe not apply themselves commonly to Callings, for which no rewards are appointed; and say that some have done it in our dayes, some out of zeale, and some out of heat of contention, yet in after-times it is not like to continue

so; neither let any man tell me, that a Minister should have other ends proposed to him, then worldly maintenance. I know that to be truth, yet as our Lord in the Gospel, *hoc etiam oportet facere, Et illud non amittere.* Speaking of payment of tithes to the Pharisees: It be-
hoveth them, saith he, to be paid: if not, it is not to be expected, that men will follow the Calling.

To rest upon the benevolence of the people, as it is a beggarly thing, and not belonging to the dignity of the Ministry, so the first maintainers of that conceit have found the charity of this kinde so cold, that they will not any more stand by their good-wills, to this allowance. Therefore it lieth upon you to foresee the estate of your Church, and either in this point of maintenance to provide that it may be competent and assured, else looke not for any thing but ignorance and basenesse, and all manner of mischiefes which flow from these, to invade the whole Kingdome.

How a competency may be provided, except by restoring the Church to her rights, I doe not see; and what this right is, if I should stand to define, and justify it here, I should exceed the bounds of an Epistle. Many of this time have cleared the point sufficiently. And if any scruple be remaining, the worthy Authour, I hope, will remove it in the greater worke we expect: whose judgement and dexterity in handling the argument, may be perceived by this his little pinnace. It should shame us of our calling to come behinde men of his place, either in knowledge, or zeale. His example who is nothing obliged, to labour in these points, as you are, shall doe much, I trust, with you, for the time to come. Should any look carefuller to the Vineyard then the keepers? or should any out-goe the servants of the house in diligence?

gence: Repent therefore and amend your owne negligence, in this behalfe, and call upon others for amendment, whilest you have time. Thinke it not a light sin, to spoile Gods inheritance; and if we look for heaven, let us be faithfull to our Lord here on earth. I beseech God to give us all wisdom, and keep us in minde of that strict account, that we must one day give for all our doings, and chiefly these which concerne the Church, which is his body. *Amen.*

Note.

I thought good not to omit this Epistle to the Clergy of *Scotland*, prefixed before this edition at *Edenborough*, presently after the first impression here; both because it proceeded from a pious intent of the Authour, who it seemes was very well affected, as also because he sheweth the concurrence and approbation of the best religious in that Kingdome, where sacrilegious practises have invaded that Church, more violently, since the dayes of reformation, and cleare light of the Gospel, then ever was done in the darke times of popery. *Colloc* a grave and learned Divine of *Scotland* hath (besides Master *Knox* and others), in his Commentary upon *Dan. 2. & 5.* discovered his judgement against the sacrilegious practices of his time, and countrey men, reprehending them sharply, for taking to their owne use and profit, all that was pulled from the Church: and doth severely cite them to answer it before the tribunall of God: which though they neglect and contemne, yet (saith he) they shall be made inexcusable thereby.

Master ~~Knox~~ not long before his death, wrote to a Generall Assembly holden at *Sterling*, 6. August 1571. and his Letter is among the Records of that Assembly, out of which it is also published, with many other Records of Parliaments, and Assemblies there holden in the compasse of sixty years, in a Declaration lately of the Church of *Scotland*.

The mighty Spirit of Comfort, Wisdome, and Concord remaine with you: Deare brethren, if ability of body would have suffered, I should not have troubled you, ---- &c. --- but now brethren, because the daily decay of my naturall strength threatens unto me certaine and sudden departure from the misery of this life, of love and conscience I exhort you, yea in the feare of God, I charge and command you, that you take heed to your selves, and to the flock over the which God hath placed you Pastours. To discourse of the behaviour of your selves I may not, but to command you to be faithfull to the flock, I dare not forget. Unfaithfull traytours to the flock shall ye be before the Lord Jesus, if that with your consent, directly or indirectly ye suffer, unworthy men to be thrust into the Ministry of the Church, under what pretence that ever it be. Remember the Judge before whom ye must make an account, and resist that Tyranny, as ye would avoid hell fire. This battell I grant will be hard, but the second part will be harder, That is, with the like uprightness and strength in

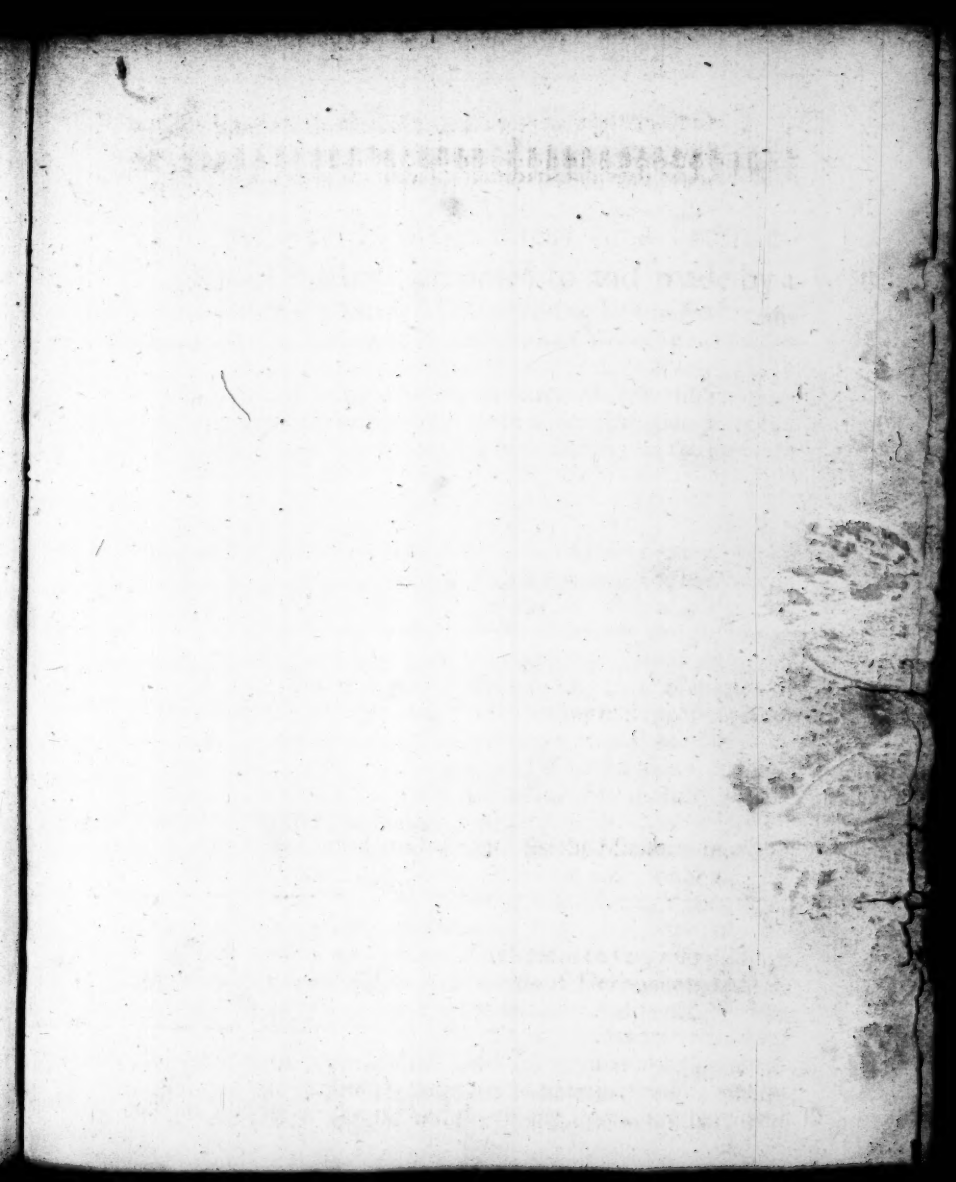
E

God

God, ye gain-stand the mercellesse devourers of the
parimony of the Church. If men will spoile, let
them doe it to their owne perill and condemnation,
but communicate ye not with their sinnes, of what-
soever state they be, neither by consent, nor yet by
silence, but with publique protestation make this
knowne to the world, that ye are innocent of such
robberies, which will, ere it be long, provoke
Gods vengeance upon the committers thereof,
whereof you will seecke redresse of God and man.
God give you wisdome, strength and courage in so
just a cause, and meane happy end.

Rm.

Saint Andrews. 3. August. 1571.



Gov. to the Senate and House of Representatives
of the State of New York: In answer to a
resolution of the Senate, passed June 10, 1892,
relating to the report of the

Commissioners of the State Land Office,
in relation to the lands of the State,
and to the report of the
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in relation to the lands of the State,
and to the report of the

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An answer to a question of a Gentleman of quality (proposed to and made by a Reverend and learned Divine living in *London*) concerning the settlement or abolition of Tithes by the Parliament, which caused him to doubt how to dispose of his Sonne whom he had designed for the Ministry: wherein also are comprised some Animadversions upon a late little pamphlet called, *The Countreyes plea against Tithes*, discovering the ignorant mistakings of the Authors of it, touching the maintenance of the Ministry.

Sir,
THough it were high presumption for a private man, as I am, to preface what so wise a Senate as the Parliament will doe for the future, either in point of Tithes, or any other affaire of so publike concernment, yet I hope I may, without reaching above my line, take upon me to tell you, that the ground of your doubt touching their alienation of Tithes from the Ministry, (which I shall bring in its proper place) is but such as will serve rather to beare up a transient suspicion or surmise of such a matter, then a settled assurance that it either is so already, or that hereafter it will be so. For the first, *That it is not so*, I am sure; because,

1. They have passed an Ordinance for the Ministers recovery of Tithes, and other Ministeriall dues from such as doe detain them, November 8. 1644. which is still in force, through the influence of their power and favour.

2. They have made competent additions to very many livings out of impropriated Tithes in the hands of Delinquents; and this they have done with so much cheerefulness, and beneficence on the Ministers behalfe, by the Committee for plundered Ministers, that many have cause to blesse God for them as their great Patrons, and benefactors for that manner of maintenance, wherein they have done beyond and above any Parliament that were

before them, and they continue and persist in the making of such augmentations, as occasion is offered, to this very day.

3. They have given the repulse to divers petitions against Tithes, which by the instinct and instigation of men of unsound principles and unquiet spirits have been put up unto them.

For the second, that they will not take them away in time to come, I have these grounds, if not of infallible certainty, yet of very great probability.

Though they have resolved upon the sale of Bishops lands and revenues, in their Ordinance of November 16. 1646. for that purpose, they have made an especiall exception with respect to the maintenance of Ministers in these words, *Except parsonages appropriate, tithes, tithes appropriate, oblations, obventions, portions of tithes, parsonages, vicarages, Churches, Chappels, advowsons, donatives, nomination, rights of patronage and presentation.*

In excepting the right of patronage, they meane neither to leave it to the power of the people to choose what Minister they please, (and the practice of the Honourable Committee for plundered Ministers sheweth the same, for they appoint and place Ministers very often without the petitions of the people, and sometimes against them, as their wisdom seeth cause; and if it were not so, many would choose such as deserved to be put out againe.) Nor to put the Ministers upon the voluntary pensions, or contributions of the people for their subsistence, but assigne them under such a title what belongeth unto them by the Laws of the Land, viz. Tithes, obventions, &c. which intimates their mind not onely for the present, but for the future.

Their wisdom well knoweth that the Revenue of Tithes as it is most ancient for the originall of it, and most generall in practice, both for times and places, so it hath the best warrant from the word of God (not onely in the old Testament, which none can deny, but in the new, which though it be denyed by some, is avowed by others, as D. *Clinton*, M. *Robert*, D. *Walter*, M. *Bagshaw*, in their treatises of Tithes, and yet unrefuted by any) and from the Laws of many Christian States, especially from the Statutes of our Kingdome, whereof abundant evidence is given in the booke of the learned Antiquary, D. *Henry Spelman*.

3. That notwithstanding all the authority that may be pleaded for

for them, the people are backward enough to pay to their Ministers a competent maintenance; and if Tithes should be put down by the Parliament, it would be very much adoe to bring them up any other way to any reasonable proportion of allowance for their support; and so in most places the Ministry would be reduced to extreame poverty, and that poverty would produce contempt of their calling, and that contempt atheisme.

4. That it is evident that such as make the loudest noyse against the tenure of Tithes, are as opposit to the office and calling of Ministers as to their maintenance; and intend by their left-handed Logicke (because as the saying is, the Benefit or Benefice is allotted to the office) to make way for the taking away of the Ministry, by the taking away of Tithes; and not to wait the leisure of consequentiall operation, (according to the craft of *Julian*, who robbed the Church of meanes, expecting the want of wages would in time bring after it a want of workmen) but presently to beare down both, as Relatives mutually inferre one another, as well by a negative as a positive inference; and so as the Parliament having put down the office of the Prelacy, now makes sale of their lands, they, if they could prevaile for the discarding of Tithes, would by the same argument (clamour and slander) presently and importunately presse for deposition of the Ministry. And we see how they take upon them with equall confidence and diligence, not onely to write, but a publickly to dispute against them both.

5. That if rights, so firmly set upon so many solid foundations, should be supplanted, it would much weaken the tenure or title that any man hath to his lands, or goods, and would be a ready plea for rash innovators; and the rather, because of the manner of the Anabaptists proceedings, who began their claime of Christian liberty with a relaxation of Tithes, and went on to take off the Interdict or restraint in hunting, fishing, and fowling, wherein they would allow neither Nobility, nor Gentry, any more priviledge then the meanest peasant. And as their principles were loose; so were their practices licentious; for they held a community of goods, and equality of estates; and whereupon the Common people gave over their workes, and whatsoever they possessed, & quæ quæque re nuncius qui ab omnibus sicut fructus acciperit. Ibid. fol. 10. princip.

they wanted they tooke from the rich even against their good wills; So that it was a breach of their Christian liberty, belike, to have a lock or a bolt on a doore, to keep a peculiar possession of any thing from them. And the liberty was more and more amplified, according to the fancies of their dreaming doctors, for their dreames were the oracles of their common people; and every day they set forth their liberty in a new edition, *corrupted and augmented*, till all the partition walls of propriety were broken down; and so not content to have other mens goods at their disposal, and to be quit from payment of rents, and debts, (having made a monopoly of Saintship to themselves) they excommunicated all who were not of their faction both out of sacred society of the Church, and out of common communion in the world as wicked and profane, and unworthy not onely of livelyhood but of life also; and usurped a power to *depose Prince and other Civill Magistrates*, as they pretended they had commission to kill them, and to constitute new ones in their stead as they should thinke fit. ^b Such seditious and sanguinary Doctors, as Luther called them, did Satan stirre up under the pretext of Evangelicall liberty; a liberty which in them admitted of no bounds, being like the &c. oath without bankes, or bottome, of no rule or order, being carried on with a wild and giddy violence; such as the great and pernicious impostor of the world prompted them unto, though they vented their diabolick illusions under the Title of Divine Revelations; as the Prince of darknesse made them believe, when he put on his holy-day habit, the appearance of an Angel of light. ^a *Cor. 11. 14.* ^b *1. Cor. 14. 22.* ^c *1. Cor. 14. 22.* ^d *1. Cor. 14. 22.* ^e *1. Cor. 14. 22.* ^f *1. Cor. 14. 22.* ^g *1. Cor. 14. 22.* ^h *1. Cor. 14. 22.* ⁱ *1. Cor. 14. 22.* ^j *1. Cor. 14. 22.* ^k *1. Cor. 14. 22.* ^l *1. Cor. 14. 22.* ^m *1. Cor. 14. 22.* ⁿ *1. Cor. 14. 22.* ^o *1. Cor. 14. 22.* ^p *1. Cor. 14. 22.* ^q *1. Cor. 14. 22.* ^r *1. Cor. 14. 22.* ^s *1. Cor. 14. 22.* ^t *1. Cor. 14. 22.* ^u *1. Cor. 14. 22.* ^v *1. Cor. 14. 22.* ^w *1. Cor. 14. 22.* ^x *1. Cor. 14. 22.* ^y *1. Cor. 14. 22.* ^z *1. Cor. 14. 22.* ^{aa} *1. Cor. 14. 22.* ^{ab} *1. Cor. 14. 22.* ^{ac} *1. Cor. 14. 22.* ^{ad} *1. Cor. 14. 22.* ^{ae} *1. Cor. 14. 22.* ^{af} *1. Cor. 14. 22.* ^{ag} *1. Cor. 14. 22.* ^{ah} *1. Cor. 14. 22.* ^{ai} *1. Cor. 14. 22.* ^{aj} *1. Cor. 14. 22.* ^{ak} *1. Cor. 14. 22.* ^{al} *1. Cor. 14. 22.* ^{am} *1. Cor. 14. 22.* ^{an} *1. Cor. 14. 22.* ^{ao} *1. Cor. 14. 22.* ^{ap} *1. Cor. 14. 22.* ^{aq} *1. Cor. 14. 22.* ^{ar} *1. Cor. 14. 22.* ^{as} *1. Cor. 14. 22.* ^{at} *1. 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for other commodities. Whereas a rate in money which is competent in some places, and at some times, is incompetent in others, such is the change both of monies and necessities bought with money. For money, the time was when an ounce of silver now at 5. s. was valued but at 20. d. So in the Act of Parliament in the third of Edward the first, *Cokes Instit.* part 2. p. 410. when 20 marks a year was enough honourably to maintaine a Student at the Innes of Court. *Fortescue* is his Commentary on the Lawes of England, c. 49. p. 114. And this was held so great a charge as was to be borne onely by the sonnes of Noblemen, and therefore they onely, saith the same Author, studied the Lawes in those times, *Ibid.* And of old the Revenues fit for a Knight was rated to 20. l. a yeare, of a Baron to 400 marks a year, and of an Earle 400. l. a year: *Cokes Instit.* l. 2. c. 3. Sect. 95. fol. 69. and *Lindwood* in his provinciall Constitutions notes upon the rate of a Vicarage (for such by the fraud and rapine of the superior Popish Cleargy^a were many times deprived of Tithes, and put to pensions) that it was to be 5 marks in England, but in some parts of Wales they were content with lesse, afterwards their meanes was augmented to 8 marks a year, but some would not be contented with lesse then 10 marks a year; and, indeed saith the Glosse, 5 marks was too little for Hospitality, and other expences; implying that 10 marks was sufficient for all occasions.

2 As for money, so for commodities to be bought with it, the prices have been very various; In the ^b Statute entituled *Affisa p^{re}miis & cervisie*, made Anno 51 H. 3. and Anno Dom. 1266. the dearest rate for a quarter of wheate (which in the middle of the Kingdome is a measure containing eight times four peckes, I render it by that proportion, because it is more generally known) was 12. s. the cheapest 1. s. so that betwixt these two extreames the ordinary rate might be about 6. s. the quarter. Add for other provisions the rate set upon them in a dearth in the Reigne of Edward the second was this; for an oxe fatted with grasse fiftene shillings; for one fatted with corn twenty shillings; the best cowes twelve shillings; a fat hogge of two yeeres old three shillings; a fat sheep thorne fourteen pence, with the sheere thorne pence; or fat goose two pence, halfpenny a fat capon two pence halfpenny; a fat hen a penny,

a Vicaria perpetuum stipendium quinq; marcarum fructibus nisi in partibus aliquibus valia ubi minore contenti sunt. *Lindwood* constituit. l. 1. de offi. se. vicar. fol. 46. p. 2. col. 2. Texti & fol. 47. p. col. 1. Sed in gloss. in g. Augmentum facta est ad 8 marcas sed quia men alii qui sunt contractus ne decem marcas; & revera 5 marcas non sufficiunt ad hospitalitatem & alia *Ibid.* in gloss. lit. g. b See Post Abridg. Edit. London. 1640. p. 11.

four piggout a peny, so that whosoever sold above should forfeit their ware to the King. Dan. Hist. l. 2. p. 209. And I well remember that not very many yeares agoe there was a controversie brought before the commissioners of charitable uses in Cheshire, wherein was discovered the cheapnesse of things in former times: the case was thus. There was a legacy of twenty markes given to the parish of Wood-church in that County to buy oxen to till the ground of poore men, with which small summe at the time of the donation, (about sevenscore yeares before) were bought no fewer then twenty yoke of oxen; which because the poore people were not able so to keep that they might be strong to labour, it was thought fit to sell them and to buy in their stead as many milch kine as the mony would reach unto, which were to be hired at a low rate to such as were not able to buy such cattell for themselves. But it is yet a cheaper price we read of in *Edward the first* his dayes, when by *Stat. Westm.* an ox was to be sold but at 5. s. so in the 13th yeare of *Edward the 1.* cited in *Cokes Instit.* part 2. p. 410. How rates are raised in the present age (whether by scarcity of things, or by the increase of people, or multiplication of coyne, or all) is not unknowne to any, and too much experimentally by many whose portion is too penurious for their necessary expences. Nor is this great difference of rates, either for money, or for goods, brought to passe on the sodaine, but raised by degrees; so that if the rule of tithing should be laid down, the Ministers wages must be changed, as *Jacobs* was in *Labans* service, many times over, which would be an intricate trouble to proportion according to severall variations of persons, and places; to which inconvenience the maintenance by Tithes is not obnoxious; nor to any other, which may be compared with such as will hardly be separated (if at all) from the alienation of Tithes.

That if any innovation be made in this matter, and the people be displeased with it, (as they will quickly be displeased with any thing which puts them to cost) they will take the more boldnesse to contemne it, because it is new, and for that it neither hath, nor is like to have such a ratification of authority, either divine, or humane, by constitution or prescription, as tithing hath had; no, though it should be supposed to last to the end of the world. For Tithes were paid 1933 yeares, almost 2000 yeares before

fore Christ; *Salus Annal. Tom. 1. p. 251. m. 41.* & since Christ (excepting some times of persecution) for the most part of sixteene hundred fourty six yeares; and we cannot hope the remaining age of the world will hold out halfe so long.

To these I could adde divers other considerations of importance, which cannot be hid from the prudence of such a multitude of sage Counsellors as that most Honourable Senate the Parliament consisteth of; which maketh me confident that before they give assent to any such petitions as are put up against Tithes, they will be pleased to heare what the Assemblie of Divines can say in answer to such objections, as are framed against them, upon pre-
tence either of Scripture or religious reason.

Animadversions upon the Petition of the Committee of *Kent*.

Against this, that which moved you to thinke the Parliament would take away Tithes, was, that you have read in one of the newes bookes, that the Knights and Gentlemen of *Kent* presented a petition to the Honourable House of Commons, against the payment of Tithes unto Ministers, and that they received thanks from the Speaker in the name of the House for that service, and that it is held fit to be a leading case for all other Counties of the Kingdome.

You must beware how you believe the newes bookes, for they are many times ignorantly and inconsiderately erroneous, or fallaciously false, out of an ill affection to some, and apparent partiality to others.

For the Petition it selfe, 1. It cometh not as from the Knights and Gentlemen of that County in common, (who I am credibly informed are not very well pleased with it) but from the Committee of *Kent*, who (if they be like the Committees in many places) are not all of them men of sound, and orthodox Judgement, neither for matter of Tithes, nor for divers other Tenets of Religion.

2. Howsoever they profess a good meaning to establish a sufficient maintenance for godly and well deserving Ministers; a very good meaning to amend it so farre as to take their windows;

do we and fatherlesse children; as we see by the 8th proposition of their new project. It will be a probleme (which the present age perhaps will not be able to resolve) who the Trustees in after times will accept for such Ministers; although they may have cause to suspect that some part of *Kent* for the present is not so reformed as it should be; Anabaptists and other sectaries having misled many into adverse principles, not onely to Tithes, but to other matters of moment, concerning mans duty both of the first and second Table.

3. For their exceptions against the received maintenance by Tithes they say first, in generall, *That they bewaile the sad condition of the Country, in respect of the uncertaine floting, and miserable condition of the Ministry, occasioned by the very nature, manner, and adjuncts of the way of Tithes; which the experience of thus many ages doth plainly evince to be miserably attended with these ensuing mischiefs.*

To which I answer;

That the miserable and floting condition of the Ministry proceeds not from the nature, manner or adjuncts of their subsistence by way of Tithes; nor doth the experience of thus many ages (that is, of the precedent ages hitherto) evince so much; for God (who is omniscient, and therefore cannot but foresee all subsequent inconveniences for many hundred yeares to come) established that meanes to be a standing and settled maintenance for his service; and the misery of the Ministry proceeds not from the nature or manner of Tithes (which to affirme may seem to coast too neere their conceipt who imagine God to be the author of sinne) but from the ill consciences of men, who make no scruple to rob God of his right, *Malach. 3.* (for Tithes are his portion, *Levit. 27. 30.*) and Ministers may suffer very much in the present age, because there be many Anabaptistall sectaries (from which *Kent* is not more free, but as some say, more infected then some other Counties) who take up importunate clamours against Tithes as Antichristian and Jewish; and there will be the more by the countenance they may have from such a petition; and such petitioners, because divers of them are of good reputation, not onely for wealth, but for their wisdom and learning well affected to Religion and the Parliament; and I beleve is the rather

rather, because some godly ministers have expressed their approbation both of it & them, though therein I conceive they shewed more of the simplicity of the dove then of the wisdom of the serpent; for albeit their meaning might be so to gather the Tithes, and to put them into such hands, as might be rather for the Ministers ease then for their losse, no man can prophesie that so good a spirit will descend upon their successors, nor how crosse they may prove to such a Christian Intention.

2. For the particular exceptions, they say; first, *That for the nature of this subsistence it is a very mystery, and secret, not easily without much art and industry attained unto; namely for the Minister to know his dues demandable, or the parishioners their dues payable; whence ariseth that multitude of scandalous and vexatious suites and brables betwixt Ministers and people, which doth fill all the Courts at Westminster, and other the Justice-sittings in the Country likewise with causes in this kinde.*

Petit.

In this charge there be two particulars contained, first, of the difficulty of knowing the right of Tithes; secondly, of the vexatious suites raised betwixt pastors and people upon that ground.

For the first, It is a very strange mystery, that after so many hundred yeares of Tithing it should not yet be knowne what it is; but I doubt not but in this case the right is better knowne unto Ministers that should receive Tithes, then acknowledged by the people that ought to pay them; And how can they set up their new designe upon the old foundation of Tithing, as they project it, if it cannot be knowne what is the Ministers demandable due, what the peoples payable duty: that modell is more like to be a mystery which they propound, since it was never heard of in this Kingdome untill they had devised it; and as like it is to prove a misery to Ministers, if their portion should come into no better hands then most of theirs, who have petitioned against Tithes since this Session of the Parliament.

And secondly, for the multitude of scandalous and vexatious suites, they make no more against the Right of Tithes, then against borrowing and lending, buying and selling, letting of leases, settling inheritances, Joyntures, &c. upon which titles are set the greatest number of suites; and for suites for Tithes

if the law allow them a right, it alloweth them a remedy to recover that right; and for the suites that were occasioned thereby, they are neither so many as is here presented, nor so scandalous for the Ministers part, for they may be imputed to the old avarice of worldly minded men, who being of a contrary mind to the Apostle, thinke it an hard bargain to exchange their carnall for the Ministers spirituall things; but principally to the new principles and practises of such unreasonable reformers, as imagine they are never farre enough removed from one extreame untill they arrive at the other, accounting all superstitious in point of Tithing, that are not sacrilegious.

Petit.

2. For the manner of it, respecting either the collecting or payment of Tithes, it is a mutuall scourge in the hand of Ministers and people each to other, if either or both (as too often it happens) prove covetous or crosse.

Ans.

If it be a mutuall scourge, it would well become the wisdom of these Committee-men to enquire where the right is, and who doth the wrong, and to project a way how the wrongdoer may be made to doe right and to give due satisfaction to such as suffer under an undeserved scourge, and I hope when our reformation is grown up to such a competent degree of strength and stature as that it may quit the service of Country Committees, there will be no more cause of such a complaint then for many hundred yeares heretofore there hath been.

Petit.

3. For its adjuncts (that is of the maintenance by Tithes) the mischiefs of them will appeare innumerable, if the pregnancy of onely one be but considered; namely, in the unreasonable proportion of livings, or values of Churches to which they are belonging, whence arise these inseparable evils.

Ans.

By what new-found Logick will you frame such an Induction, as from one particular to inferre innumerable mischiefs, particularly from the disproportion of livings? You seeme to thinke otherwise, where you say in your 8th proposition, that in the distribution of the revenues for Ministers regard must be had to the desert of the person, his family, and charge; if so, certainly there is a great disproportion in deserts; and for charge it is considerable, not onely for the greatnesse of a Ministers family, but for the dearnessse of his education; some have spent

spent many yeares, and a large patrimony in the University, to make them fit for the Ministry; and should not they be supplied with a more liberall allowance (*cateris paribus*) then those who have been at little expence both of time & estate to be duely qualified for such a calling? If the proportion of parts, and paines, of charge both Academicall, and Oeconomically, be duely weighed, there will be many more livings found too little then too great for a Ministers maintenance; especially if you will allow him a Library (such as a learned Knight thought necessary for a Minister) of 600. l. value. But if the proportion be unreasonable, must Tithes be supplanted and their ancient Tenure abolished for such a disproportion? must the foundation be digged up because the building is too high? may not a tree, whose branches are too luxuriant, be lopped, and left entire in the bodie and roote? when a mans beard is too long, will you cut off his chinne? that out of doubt were an unreasonable reformation.

4. From this unreasonable proportion, you say, arise these unseparable evils: *1 That most unworthy persons, who by favour or friendship or any sinister wayes can get into the greaest livings, being once invested with a legall right of freehold for their lives, securely fleece the flocke, and feed themselves without feare or care, more then to keep themselves without the compasse of a sequestration, whilst others both painfull and conscionable both serve starve.*

Petit.

This is not (as you call it) an unseparable evill from the proportion you speake of; for there be some men who have had, and at this present have great livings, not by any sinister wayes, but by such favour and friendship as is ingenuous, and just, and who keep as great a distance from desert of sequestration as any Committee man doth within the Countrey wherein they live. And if they carry themselves so as to be without feare and care, and without the compasse of a sequestration, in these inquisitive and acculative times, they are more to be countenanced and encouraged then many of those who are professed adversaries to them. But the matter, it seemes, that troubles you is, that *they are invested with a legall right of freehold for their lives,* and if they have such a right, and walke so warily as to keep one of the reach of a just sequestration, why should they not enjoy

Ans.

It? would you have all to be entrusted to the discretion and conscience of your arbitrary Committees? Truly Gentlemen, we are afraid to trust you so farre, as to give up such a certaine title as formerly and anciently established upon the Incumbent by the fundamentall Lawes of the Land, as the right of any person to his Temporall estate, and to stand to your arbitrary dispensations for our livelihood; lest *Laban*-like you should change our *wages ten times*: and if your petition should take place, it might prove of very ill consequence in another generation, were you never so well minded, and it may be sooner (in the next succession:) for if the Trustees should be either proud or covetous, or prophane or licentious, hereticall, or schismaticall, the best Ministers might happily be the worst dealt withall; and the right of receiving Tithes taken out of their hands might put them into the passive condition of silly and impotent wards under sub-till and domineering *Tutors* or *Guardians*, in name *such*, but indeed nothing lesse then assertors and defenders of their rights, as *Tutors* and *Guardians* ought to be. And that our feare and jealousy is not without cause in respect of Trustees and Committeemen, nor so much of you in particular, of some of whom we have heard and beleve much good, as of such as may have as great authority without so good an intention, we shall give you our ground-out of the observation and complaint of witnesses above exception, *viz.* the well affected freemen and covenant-engaged Citizens of the City of London, in their humble representation to the right Honourable the Lords and Commons in Parliament assembled, in these words. And here we may not omit to hint unto your Honours the exorbitant practises of many Committees and Committee-men, who have such an influence by meanes of their authority upon the people, they being at their Wills and in their power to doe them a displeasure, that they dare not doe otherwise, then obey their unlawfull commands, without the inevitable hazard of their peace and safety; through which meanes tyranny is exercised by one fellow-subject upon another, and justice and equity cannot enter. The cries of all sorts of people through the land are growne so loud against the people of this vocation and profession, by reason of those grievous oppressions that are continually acted by them, that indurdenesse of affection toward our brethren, not being ignorant or insensible

sible of our owne sufferings in this kind, and the great dishonour accruing to the Parliament thereby, that we cannot but be earnest suitors to your mercy and justice that such may be dissolved.

2. For obtainment of these livings we see such fordid compliances with such persons as have the fattest benefices (as they count and call them) in their dispose; such artifices in contriving, making, and colouring over Simoniacall and sinfull bargaines, compacts, and matches, such chipping of Churches, and restless change of places, till they get into the easiest and warmest: and other such like practises not to be named, nor yet to be prevented or removed, otherwise then by plucking up the very roote which naturally brancheth out it selfe into these foresaid mischiefs, so obstructive and destructive to all reformation.

Here is a great deale of aggravating rhetoricke against the greatness of Church-livings. But why should all this evill be imagined rather of Ministers fat benefices as you say they are called, then of great and gainfull offices in the State? Is there not more care had, and more strict triall taken of Ministers sincerity and integrity then of secular officers? surely we are bound in charity to expect a more reformed Ministry, then we have had, who will rather say unto a Simoniacall patron as *Peter to Simon Magus*, *Thy monie perish with thee*, Acts 8. 20. then be *Levies* to such a *Simeon* in making a base and corrupt contract for a benefice. And for that you say, that such practises are not to be prevented or removed, otherwise then by plucking up the very roote, which naturally brancheth it selfe out into these foresaid mischiefs, so obstructive and destructive to all religion. Whether you meane Tithes to be this roote, or the disproportion of Benefices, or the right of patronage and protection, I cannot tell, but sure I am, that the Apostle calls covetousnesse the roote of all evill, and so the roote of that evill which sometimes passeth betwixt a Patron and his Chaplaine: and may as frequently, and with as much injury be found betwixt some Committee-men and Trustees and the Ministers of their choice, as any other. But as I am confident that there will be an amendment on the Ministers part, by the regular way of the Parliaments reformation, according to the directions of ordination of Ministers already printed & accordingly practised, so will it bee not onely possible, but easie for the State to finde out

Petit.

Answ.

A Resolution of a Doubt

a fit means to prevent prevarication on the part of the Patron; but if Tithes be removed from their ancient foundation, and left loose to the disposall of Trustees or Committee-men, they will be a more ready prey for the covetous into whose hands they may come, and from whose hands perhaps they cannot without great difficulty be redeemed.

Lastly, in the close of this Petition, the Petitioners shew great care that the Ministers may be freed from the incumbrance of Tithes, *to serve the Lord without distraction, and to give themselves to the Word of God and Prayer, and to be onely employed to make ready a people prepared for the Lord*; And so they may do if they be maintained by Tithes; for that means of maintenance gives a man occasion of more and better acquaintance with the particular disposition of his people, and it is his part *to be diligent to know the state of his flock*, Prov. 27. 23. And for that trouble which may be thought inconsistent with the Calling of a Minister, if his means be sufficient, he may have a servant to take it from him, and ease him of it. I know a Minister whose Benefice was a Vicarage, and his Parish so large, that it was 11 miles in length, and of a proportionable breadth, yet did it not put him to the expence of one day in a year to compound for, or gather in his dispersed portion.

Now for the successe and acceptance of the Petition in the Honourable House of Commons, to which it was presented; if such an innovation had been granted for that County, it had been fitter to have been made a *Sibboleth*, for that *cause* or angle of the Kingdome (for so the word *Kent* signifieth) as their custome of * *Gavelkind*, then to be made a president or pattern of conformity to other parts of the Kingdome, as the New-Book of the same week prescribed that to his Reader.

* *Gavelkind* is a custome anciently observed in Kent, whereby the land of the father is equally divided among all his sons, or the land of a brother equally divided among his brethren, if he have no issue of his own, this was so common a custome as appears by the Stat. in the 18. year of H. 6. ca. 1. that there were not above 30 or 40 persons in Kent that held by any other tenure; but Anno 31 H. 8. ca. 3. many Gentlemen upon Petition got an alteration thereof.

But the answer of the worthy Senate was such as may further confirm us in our confidence, that they will still continue to be gracious Patrons of the maintenance of Ministers, and that they will be more ready to ratifie precedent Statutes and their

own Ordinance made in that behalf, then to disettle their tenure which is founded upon them, and to make Ministers arbitrary Pensioners to such as may be so far swayed by misprision of judgement, or personall dis-affectation, as to deal most penuriously with those, who being truly valued (without erroneous mistaking or injurious misliking) may both by the eminence of their parts, and their faithfulness in their places, deserve the most ample, and most honourable Revenue. I will give you their answer in their own words, which are most authentick, they are these.

M. Speaker by order of the House of Commons did give the Petitioners (the Committee of Kent) thanks for their former services, and took notice of their good affections to the Publique; and did acquaint them, That the great busineses of the Kingdome are now instant and pressing upon them, and that they will take the Petition into consideration in due time, and that in the mean time they take care that Tithes may be paid according to Law.

But there are some in the Parliament that hold the maintenance of Ministers by Tithes to be Jewish and Popish, and therefore they will give countenance to Petitions that are put up against them, and doe what they can under such titles to render them offensive to such as are truly religious, especially to those who have most power to abolish them. *Object.*

1. It may be there are some such, and if there be some such among so many, it is neither to be thought strange, nor true, for such a number of them as may be able to carry the cause against the continuance of Tithes. *Answer.*

2. For the tearm Jewish, it is mis-applied against Tithes, as it was by the Prelates of late, & is by the Anabaptists at the present against the Sabbath; nor are they more Popish then Jewish; For the Papists, though their people pay them, and their Priests receive them, yet they for the most part holding the to depend meerly upon Ecclesiastical constitution, made no scruple of changing them into secular titles or uses, as in Impropropriations in the hands of Lay-men, and many other distributions made out of them severall ways, without any respect to the service of the Sanctuary. Nor is there any thing in the payment and receiving of Tithes under the state of the Gospel, which may probably

bably be suspected to have any favour of Judaisme, or Popery, save onely the payment of Tenths by the Ministers to the King, as hath been lately well observed by Mr L. in his second Book against Mr S. I will set down his words, and seriously commend them to the consideration of our religious Reformers; they are these, in answer to Mr S. his Question.

Qu. What^a are the maintenance of Ministers by Tithes? Jewish and Popish undenyably.

Ans. How? Jewish and Popish undeniably? As undeniably as the Sabbath was Jewish when the Prelates so called it, or the article of the Trinity Popish, as^b Valentius Gentilis took it, when he disliked the doctrine of the Reformed Churches in that point, because they agreed with the Papists therein. You are grossely mistaken Sir in the tenure of Tithes, for though there be a clamour taken up against them by such as make no scruple either of slander or of sacrilege, and some would change the Ministers portion, which is their masters Wages for his own work, and reduce them to voluntary pensions of the people, (because they would have a liberty to begger them who will not humour them in their fond and false opinions, and licentious practises, but oppose them as of conscience they are bound to doe) neither you, nor all your party can prove them either Jewish or Popish, as they are allowed and received for the maintenance of the Ministers of England. And because you are so confident in your opinion against Tithes, and shew your self to have a good opinion of Mr Nye, (whom with Mr Goodwin you cite for a worthy saying touching the golden Ball of Government) I refer you for satisfaction to him, who will tell you (as he hath done divers others in my hearing) that Ministers of the Gospel may hold, and receive Tithes for their maintenance by a right and title which is neither Jewish nor Popish, but truly Christian; and there is nothing Jewish or Popish in Tithes, but the ascription of the decimæ decimarum, from the^d Leviticall Priests to the high Priest, from the high Priest to the^e Pope, and from the Pope to the King; when first Pope Urbane gave them to Richard the second to aid him against Charles the French King, and others that upheld Clement the seventh against him, as^f Polydore Virgil relateth. And King Henry the eighth taking from the Pope the title of head of the Church to himself by^g Act of Parliament, took from

^a Smoke p. 25.
^b Quod Ecclesia reformatæ ad huc in fide Trinitatis cum Papistis conveniret. Bell. præfat. in lib. de Christo, Tom. 1. secund. Controvers. general. p. 271.

^c Smoke p. 14.
^d Numb. 18. 28
^e In veteri lego primitiæ debebantur sacerdotibus, decimæ autem Levitis, & quia sub sacerdotibus Levitæ erant, Dominus mandavit ut ipsi loco decimarum haberent summum sacerdotis decimam decimæ, unde nunc eadem ratione tenentur Clerici (summo pontifici decimam dare si exigeret. Aquin. 2. 2. q. 87. a. 4. ad 3. Solo 9. Inst. q. 4. art. 4. ad 3. Lacin. in Numb. 18. 28. p. 687. Polyd. Virg. Hist. L. 16. Anno 26 H. 8. c. 1. Poult. Abridg. p. 561.

from him the tenths, and other profits annexed to that title, which were settled upon the Crown by Statute in the 26th year of Henry the 8. so that the Jewish high Priesthood being expired, the papall Lordship abolished, the Tithes paid under those titles, may be called Jewish and Popish, but not that which is assigned for the maintenance of Ministers, because they are yet to doe service to their Master, and so to receive the maintenance of his allowance for his work; which fellow-servants cannot take upon them to take away without presumption; their door-neighbour will not allow them a power to appoint the wages of their servants, much lesse may they usurp upon the right of God; and his Ministers, to alienate tithes from the support of his service and worship, for that is rather Popish, as hath before been observed.

Which being true and clear, (as touching the pedigree of such Tithes from the high Priesthood of Aaron to the Independent Prelacy of the Pope, and from him to the King, as by claim from the title, *Head of the Church*, translated from the Miter to the Crown) it will not I conceive be thought congruous to the Christian Reformation (the thorow Reformation professed by our worthy and religious Rulers) that such Monuments of Superstition or Popery should be removed, which were unprofitable, and that onely retained (as a silver shrine to Diana) which brings gain to the King or State, and puts the charge upon the Ministers of the Gospel; who thereby (I may say it confidently for some whom I know) are brought to this perplexed *Dilemma*, either to pay them with reluctance, (as no lesse contrary to their consciences then to their commodities) or to deny or withhold them with suspicion, or imputation of avarice, or disobedience to lawfull Authority.

But the Parliament liketh not that Tithes should be proposed, or pressed, as many Divines doe, both in Pulpit, and from the Presse, as of divine right, which because they think to be wrong, they will rather reject them, then ratifie them under a title of so high a strain.

1. Not onely Divines, but divers others (who are men of very eminent note) hold Tithes to be due by divine right, and some of them have undertaken to prove them so, and to answer all objections against them, which how far they have performed

Obj.
Sir, Ed. Coke in his second Report in the Archb: of Can. his case. f. 49. b. And so the Author of the foregoing learned Work.

is left to the judgement of indifferent Readers.

2. It is more like that (as both religion and reason will dictate unto them) they will be the more wary how they take them away, lest if that tenure should prove true, they should be found guilty of the sin of sacrilege, that they should abolish them, and that they will seriously search and enquire into the ground of that title, and while they are in doubt, that they will resolve of the safest course, which is, not to repeal them; for as we must forbear to feed of meats of which another saith, that they are *sacrificed to idols*, 2 Cor. 10.28. (for his sake that saith it, though but a private Christian;) so if Divines say, (and bring Scripture and reason for it) that Tithes are dedicated to God, or by him assumed, first to himself, and then assigned or set over by him to his servants, for his work in waiting on his worship, which must be maintained to the worlds end, it will be rather a reason for them to support the tenure of Tithes by their Parliamentary power, then any way to prompt or dispose them to desert it, or to alienate their right from Ecclesiasticall uses.

The fear of sacrilege hath been of such force with some heathen Moralists, as *Plutarch* observeth in his *Morals*, that if they pulled down a house contiguous to a temple, they would leave some of that part standing which was next unto it, lest they should with it take away any part of the Temple it selfe. Wherein if they shewed any spice of superstition, it will be more capable of pardon, or lesse liable to punishment at the hand of God, then we may expect if we proceed hastily to lay violent hands upon any thing peculiarly entituled to his honour, who is the author and giver of all things to all men.

3. If the plea of a divine right for Tithes (supposing it setteth them up too high) should incline to irritation in some to make opposition against them, why should not the contrary tenet which peremptorily taketh them down too low, calling them Jewish, Antichristian, and Popish, and that undeniably, (as hath been said, but never can be proved) move others the rather to retaine them, and confirm them? chiefly the Parliament (whose authority is most engaged for their justification) and especially since the servants of God have had possession of them by so many laws, and so long a prescription; for according to the

the maxime of the law, *the possessor's title is the best untill he be fairly voided out of it.*

3. If the Parliament doe not in their approbation of Tithes come up to the tenure of divine right, they may yet be willing enough to establish them upon other grounds, and leave Divines to the liberty of their judgment & consciences to plead for them according to the principles of their own profession, as in their Ordinances made for setting up of the Presbyterial Government, though yet they be not satisfied of the claim of divine right for it, they were pleased to authorize it by their Ordinance, and to require Divines to prepare the people for the reception thereof by preaching of it, and for it; so as both to clear it, and assure it (so farre as they could) by the sacred Scripture.

And on the other side while they approve it, though but by a civill assent, (as to a prudentiall design, untill they see more light, which they look for in the Answer to their Queres proposed to the Assembly of Divines) the Presbyterians who hold it in the highest esteem take none offence that they proceed no farther, and profess themselves well satisfied with their civill sanction; so one of the learned Commissioners of Scotland hath shid, in the name of the rest, in these words, *If they shall in a Parliamentary and Legislative way establish that thing, which is really, and in it self agreeable to the Word of God, though they do not declare it to be the Will of Jesus Christ, they are satisfied.*

Ob. If there were no purpose to put down Tithes by such as are in Authority, how cometh it to passe that the Anabaptists were more bold in London to take up a publique contestation against them, then the Presbyterians to make apology for them? for did not one M. B. C. an Anabaptist manage a dispute against M. W. J. of Chr. and after that undertake another upon the same argument against M. J. Cr. and offered to proceed in it against all opposition, which M. Cr. durst not doe, upon pretence of a prohibition from authority?

Ans. 1. It is no strange thing for men who have a bad conscience to set a good face on it, and to make out with boldnesse and confidence what is winning in a truce of judgement, and strength of argument; this is observed of the Papists by a judicious Au-

*Longa possessio
(sicut ius) parit
ius possidendi
& tollit aliena-
nem iuris domi-
ni. Bead. l. 2. fo. 32.*

*M. Gillepie his
brotherly exami-
nation of
M. Coleman
Scem. p. 32, 33.*

*Str Ed: Sands
Europ. Specul.
p. 35.*

Obtulit se ad
disputandum
cum quovis
Lutherano sub
pana capitis
sic probationi-
bus defecisset.
Bell. c. Eccles.
Scripr. p. 423.

sputation, with iterated and importunate suits for publique audience and judgement. And Bellarmine reporteth out of Strim, that Io: Cochleus a great Zealot for the Papacy, offered to dispute with any Lutheran upon perill of his life, if he sayled in the proof of his part of the Question.

2. For the boldnesse of the Anabaptists at this time, and in this Cause, and this City, there may be divers conjectural reasons in particular given thereof, besides the generall already observed; as,

1. Because they advance in their hopes of a toleration of their Sect; and to promote that hope they have been so ready to engage in military service; with a designe no doubt to get that liberty by force (if they be able) which by favour of authority they cannot obtain.

2. For this matter of Tithes, they might be more forward to oppose their tenure, because it is a very popular and plausible argument, wherein they might have the good will of the people, that they might prevail, and their conceits that they did so, (though they did not) because they would be very apt to believe what they vehemently desire may come to passe; and it is not to be doubted but a dram of seeming probability will prevail more with most worldlings to spare their purses, then an ounce of sound reason to put them to charges.

3. They might take some encouragement to dispute against Tithes in this City, because there is a project to change the maintenance of the Ministers: set on foot by many worthy, and well-minded Citizens, which yet in truth makes nothing for the Anabaptists opinion, who would have Ministers maintained by meeke benevolence; for the Citizens, as they intend a more liberal allowance then the former, (since they see many of their Churches are destitute of Ministers, because their Ministers have been destitute of means) so they mean that it shall be obtained, settled by Authority, and not left arbitrary to the courtesies of men.

3. For the two disputes, the one managed betwixt M. W. I. and M. B. C. the other purposed betwixt M. I. C. and the same B. C. but disappointed, it makes nothing at all for the taking away of Tithes; For as touching the former, they who were

not possessed with prejudice, or corrupted with covetousness against the truth, were much confirmed in the lawfulness of such rates as are paid in *London* under the title of Tithes, though indeed they are not Tithes, and of such onely was the debate at that time.

For the intended debate which was to be touching the divine right of Tithes, though some godly and prudent men thought it should not have been taken in hand without the warrant of publique authority, yet they made no doubt but that the truth of the cause, or ability of the man, who undertook the defence of it against *M. C.* would prevail unto victory. But for the dis-appointment, it was by the warrant of the Lord Major of the City, to them both, interdicting the dispute, which was both without *M. I. Cr.* his knowledge, and against his good will; yet he obeyed the prohibition, and when his Antagonist insisted and urged the performance of what was agreed upon, notwithstanding the contrary command of the Lord Major, his answer was, that it was agreeable to the Anabaptists principles to disobey Authority, but not according to the principles of Presbyterians. And lest *B. C.* should take it for a token of distrust in his cause, and make it an occasion of vain glory, either against the cause or person of *M. I. Cr.* he proposed the printing of *M. B. C.* his arguments against Tithes, and engaged himself to answer them in print, and so to refer both to the judgment of all un-biassed Readers, which was the best way to give clear and full satisfaction to such as doubt on which side the truth is swayed by the most authentrick testimony and soundest reasons.

It is no part of my task for the present to argue farther for Tithes, then may answer the doubt you have proposed to me, which is, of the Parliaments purpose and proceedings touching the establishing, or abolishing of them.

Animadversions upon the late Pamphlet intituled,
The Countreys plea against Tithes.

YET that you may not be scrupled in conscience (as you were in conceit) by a new petty Pamphlet against payment of Tithes, which perhaps may come to your hands: I will give you

you some animadversions upon it, which may also be of use to others as well as to you. The title of the Booke is, *The Countries plea against Tithes*, with this addition, *A Declaration sent to divers eminent Ministers in severall parishes of this Kingdome, proving by Gods word and morall reason, that Tithes are not due to the Ministers of the Gospell; and that the Law for Tithes was a Leviticall Law, and so endure no longer then the Leviticall Priesthood did, &c.*

Wherein the Authors say much in the outside, but make no answerable proof in the inside of the Booke. They direct it in the Title page as a Declaration to divers worthy Ministers in the Kingdome, and in the beginning of the body of the Book they present it as a joynt Declaration of the people of severall parishes for their opinion concerning Tithes, as a Reply to certaine papers from some Ministers, pretending to prove Tithes due by authority of Scripture. It had been faire dealing if they had printed those papers of the Ministers, that it might appeare how well they had answered them.

But for the confident contradiction of the Divine right they alledge,

1. The novelty of them in the Christian state.
2. The ceremoniality of them, as being meerely Leviticall.
3. The inequality of them in severall respects.
4. The trouble of them to the Minister.

For the first; they referre the originall of them under the Gospell, for the author, to Pope *Vrbane*; for the time, to the three hundredth year after Christs ascension; and for prooffe of both, they cite *Origen*, *Cyprian*, and *Gregory*, at large without any particular quotation to find what they cite: untill which time, say they, there was community of all things among Christians.

But first, they should tell us which *Vrbane* it was, (who they say began to bring Tithes into use for the maintenance of the Ministry) for there were 8 of that Name, and of those 8 (if *Origen* be a witness of it) it must be *Vrbane* the first, Anno 227 who fate but 6 yeares, & 7 moneths, & there was not another Pope called *Vrbane* untill the year 1087. which was long after the latest of those three, viz. *Gregory*, (whether they mean *Greg. Nazianz.* or *Greg. Nyssen*, or *Gregory* Iurnamed,) the Great, Bishop of Rome; and *Origen* testified so much of Tithes recalled by Pope *Vrbane*, their

their originall must be ancienter then 300 years after the ascension; for that *Urban* lived not beyond the year 234, and *Origen* flourished Anno 226. and if Tithes began when Christians gave over the community of goods, as these men say p. 2. in the name of *Tertullian*, but bring no proote of it, then had Ministers a propriety in Tithes as soon as others had a propriety of estate; and sooner it could not be. And that which caused this community, the persecution of the Church (which reached to his age: for the next predecessor to that *Urban*, *Calixtus* was a Martyr) might very well cause a suspension of Tithes for all that time.

2. For the tenure of Tithes; there be 3 disputable opinions: 1 Whether they be Morall; 2 whether Judiciall; 3 whether Ceremoniall, (there is a fourth conceipt that they are meeke Almes, which is imputed to *Wickliffe* in the 8 session of the councill of *Constance*; but that admits of no dispute since it is repugnant to all appearance of reason.) 1 Some hold them Morall, as those Ministers whom these men pretend to answer; most of the Canonists, *Marc. Anton. de Dom. de Rep. Eccl. l. 9. c. 2. Zeppernus* in *Explic. legum sorsens. Mos. c. 10.* and many English Divines.

2. Some hold them Judiciall, as *Bell. lib. de Cler. c. 25.* 3. Some Ceremoniall, as these parishioners doe. There is the least reason for this last opinion. For Tithes were taken as a tribute by God himselfe as the chiefe Lord of all the earth, *Levit. 27. 30.* whereby hee is acknowledged giver of all; and that it is in his power to curse the earth with barrenesse, and to starve the creatures that live upon it; and this is true of all ages, and therefore we reade of payment of Tithes by *Abraham*, *Gen. 14. 2.* *Heb. 7. 4.* and vowing of Tithes by *Jacob*, before the Leviticall Priesthood was established, *Gen. 28. 22.*

But sacrifices, say they, are ancienter then Tithes, and were long before the Ceremoniall Law was ordained, yet they are not to be continued in the time of the Gospel.

True, because they were types of future things to be exhibited in the New Testament, but Tithes have no typicall intimation in their institution or use, being set apart by God for himselfe, and given by him as the wages to his servants for doing his work; which he assigned to the *Levites* for their time, and made them suitable to their state by peculiar ordinances, as *Num. 18. 26, 27.*

&c.

Tom. 1. Con-
cil. p. 104.

*Decime sunt
pura elemosyna,
& parochiani
possunt propter
peccata suorum
prelatorum, ad
libitum suum
auferre em.*
Concil. Con-
stant. Session. 8.
Tom. 7. Con-
cil. p. 1016. col.
2. Artic. 18.

Object.

Answer.

Sec. *Leviti* 25:3-4:57 which expired with the Priesthood; though Tithes in generall did not; and therefore such particulars are no more to be urged against that maintenance of Ministers in the New Testament, then the Jewish observations of the Sabbath against the keeping of a Christian Sabbath at this day.

2. For that they say *of inequality* in respect of *impropriations*, p. 6. in respect of *tradesmen in Townes and Cities*, who gaine more then farmers and pay no Tithes, p. 9. and in respect of the losse which may befall the farmer, when he hath not increase to answer his cost and labour, *Thid.*

For the two first, it is worthy consideration of those who are in authority how to reduce them to more equality. For the third; the exception lyeth no more against Tithes now, then in the time when they acknowledge them most in force; and when it proveth an ill yeare with the plowman, it will be well for him to consider whether his unconscionableness in Tithes have not procured a curse upon his portion, according to the commination in the third of *Malac* 8,9.

And lastly, for the trouble of the Minister; 1. If he have but a little Tithe, it will be no great trouble for him to order it, especially since he may lawfully exchange it into money. 2. If he have a great Tithe, it will beare the charge of a servant to ease him of the trouble. And 3. If this inconvenience could not be avoided, (as well it may) there would follow farre greater upon the taking away Tithes, such as before we have observed.

With these exceptions against this revenue of Tithes they have delivered something worthy the acceptation of Ministers, which is p. 5, 6. It is the desire, say they, of al Gods people (& so it ought to be) that the Ministers of the Gospell should have a sufficient maintenance allowed them, may not onely a sufficient maintenance, but an abundant, a large and rich maintenance, such a maintenance as they may live liberally without any other employment but the Ministry; Nor is it fit or becoming Christians that their Minister should live in a meane condition either of diet or cloathing, but as he is more excellent in calling so ought he to have a more large & better maintenance in those respects then others for he feeding the soules with spirituall things; the word of God, the people ought to feed his body liberally with their base temporall things: and in the next page say they;

And

And is it not a shame for a rich and flourishing common-wealth to have a poore and bare Ministry, either in the generall, or in some particular? & yet into such a condition have Improprations brought the Ministry of this common-wealth in very many places.

They conclude with an addresse to the high court of Parliament for a reformation in this particular of Tithes, p. 10. and therein are content to meet them at the barre of that most wise, pious, and impartiall Judicatory of the Kingdome. who, as they have, so we doubt not but they will ratifie the ancient Statutes, and their owne late Ordinance concerning Tithes; and whatsoever their title be in respect of religion, the people may (though ignorant zelots hold, and covetous worldlings pretend they may not) pay them with good conscience, for the State may impose them for the maintenance of the Ministry, as well as they may impose the 20th part, or any other part they please to maintaine a just warre, or to pay the debts of the Kingdome; and others may conscientiously submit to such impositions; and hereto the most learned Divines of the reformed Churches doe agree, (though the most of them, as they are mistaken in the true doctrine of the Sabbath, so are they also in this question of Tithes) for albeit they maintaine their Ministers while they live, and provide for their widowes and fatherlesse children, when they are dead, * yet they resolve it lawfull to pay the 10th to the popish priests, though they officiate in an Idolatrous service, upon the command of the Prince, or State under which they live.

This may suffice for this little Treatise, which, though little, if it had not been lesse in weight then in length, I would not have been so observant of the importunity of the Printers calling for my paper, as to dispatch mine animadversions upon it in the short interim of one night, betwixt rising from supper and reposing for sleepe, which yet had been too much if most readers were not too readily prepared to entertain any Text that makes for their commodity, whether by acquiring advantage, or by saving expences.

Now for your secondary doubt concerning the disposal of your monie, give me leave, Sir, to give you my sentence fully and freely in the case.

* Cujus legis
(scilicet politiciæ)
vi nec ipsi fide-
les reformati
denegant solvere
decimas; in re-
bus illis, in quibus
substantia
Præcipue
illius leges sol-
das sancimus;
qua ratione etiam
à theologia
responsum fuit
nonnullis qui
scrupulo conscientie se teneri
præstendebant, non
positi fuisse eccle-
siasticis solve-
rent decimas, qui
Idolatriæ sunt
ministri.

D. Rivet, Exercit. in Genes.
Exercit. 80. p. 1.
89. col. 1.

1. I see by you and him (which I am sorry to observe, yet I feare it is like to prove too true in all ages) that if there be not sufficient and certaine meanes allotted to the labourers in the Lords harvest, he is like to have but a few workemen to undertake it, and goe through with it; therefore those that Julian-like, take away the hire of spirituall labourers, make way, as much as in them lyeth, for the marring of the harvest; for either there will be a want of workemen, or of such sufficiency in them as may make the worke to prosper in their hands: hence is the miserable condition of the Greeke Church, living (if not languishing) under the dominion of the Turkes, where their Clergy as they are the meanest sort of men, (like Teroboams Priests, who though they were to serve in the house of high places, were the lowest of the people. 1 Kings 12.31.) so are they as despicable for their ignorance and meane qualifications every way as for their poverty, having no schooles of learning among them, and therefore more like either to poison or famish the soules committed to their charge, then to feed and nourish them with a competent measure of the sincere milke of the Word, that they may grow thereby.

2. But I feare no such sayling of maintenance for Ministers among us, as may occasion such a discouragement to parents that they should not be willing to dispose of their children in that calling; for feare they should serve Christ upon such poore termes as the Priests of *Isis* did that heathen goddesse, who were not allowed a new suite untill the old was worn to ragges.

3. Yet if that were true which you reade in the weekly pamphlets, of which you had by report, of the likelyhood of putting downe Tithes by the Parliament, I must tell you plainly as your friend, I like not your wavering touching the disposall of your sonne; for if he be furnished with personall abilities for the service of the Sanctuary, if he be (as I hope he is) a man of holy life and conversation, if he find himselfe inwardly moved by the holy Ghost to enter into that holy function; it will be a greater sacriledge in you then robbing of the Church of so much Tithes as would maintaine him, to divert him from the service of Christ, and salvation of soules, through distrust of the divine providence for his support. And therefore,

Sandys his
Travailes &c.
p. 77

Vincent. Char-
de Imag.
p. 100.

4. If I conceived you to be so carnall a father (but I dare not thinke you are such a one) I should turne my speech from you to your sonne, had I opportunity to speake with him, and exhort him not onely to serve Christ, but to suffer for him, in the words of Hierom to Heliodorus, rather to tread upon you, if you should lye as a blocke in his way, then to make a stop, or to retire from following after Christ, though in zeale and haste he should overtake the Crosse; for in such a case it is a kind of piety (saith he) to shew cruelty towards our chiefeſt friends.

Thus, as my little leisure would allow me, I have endeavoured to satisfie your desire in resolving your doubt, and I hope that I have written will reach a little further then you thought of, even to the settling of your resolution to dedicate your sonne to the service of our Saviour, and to serve him upon such termes whatsoever they be, as the Divine providence in the condition of the times shall put upon him, and so you have my advice, and you shall have my prayers for you and yours.

FINIS.
